

Memorandum

TO: The Board of Education

FROM: The Board Attorney

DATE: January 31, 2024

SUBJECT: Student Appeal on Plagiarism Accusations and Penalties vs Board of Education

I. BACKGROUND

The case in question concerns the alleged disparate treatment and accusations of plagiarism between two students, Olivia and Zeke. These two students were both flagged for plagiarism by their teacher, Ms Grady. According to the case file, “Olivia did, in fact, use AI to write her essay...Once she had completed her research, she went to ChatGPT to help her come up with some ideas on how to phrase things for her essay. Although she incorporated the AI generated phrases in several instances, she insisted the substantive work and ideas were hers”¹ while “[Zeke] used ChatGPT as a research tool along with Google and Siri. These search bots led him to other materials and information that he read and used to formulate his thoughts and ideas to write his essay ... the substantive work was all his... only after putting his own ideas onto paper did he run his essay through Grammarly”¹. Ms Grady deducted ten points from Olivia’s paper, whereas for his use of ChatGPT as a search engine, she deducted Zeke’s paper twenty points. Zeke’s parents have now appealed Ms Grady’s disparate treatment to the Board of Education, claiming that use of such technologies as search engines has a set precedent, as does Zeke’s application of Grammarly, and neither application is in violation of the Student Handbook definition of plagiarism.

¹ Connecticut Bar Association, Jame W. Cooper Fellows, and Quintin Johnstone, "2023-2024 Statewide High School Essay Contest Topic," *Battle of the Bytes: AI Vs. Academic Integrity*, [Page 2].

II. DEFINITION OF TERMS

AI technology, whether it be through traditional pattern detecting software or commercially available generative AI, has been and will continue to become an increasingly important part of everyday life and operations. The advent of generative AI, however, has concerning implications within education, as now students can generate text responses to any prompts, including essays. The difference between generative and traditional AI is that traditional AI utilizes pre-programmed patterns to predict the next word or phrase. Generative AI, however, is trained on the immense data set that comprises the internet to generate new text entirely, text which is the end production of an immense collage of different sources whose writing has been frankensteined into a new collective of text.

III. ANALYSIS AND ADVISORY

In addressing the matter at hand, plagiarism will be referenced as defined by the Student Handbook². According to Zeke's appeal, Zeke utilized AI as a search engine in addition to Google as a means of locating resources for his paper, and after writing his paper, used the Grammarly grammar checking tool to assess and improve his writing's grammatical content. In the case of his usage of generative AI, it is indefensible to consider Zeke's usage a breach of plagiarism guidelines, because Zeke obtained no work at all from the software for use in his essay, nor did he invent a counterfeit source for his paper. Since he did not utilize any text generated from the Chatbot in the written construction of his essay, it is impossible to say that Zeke presented any other person's work or internet work as his own, nor can it be understood that he copied any pre-written material. Zeke's usage thus has precedent; search engines are the only efficient way to navigate the internet. This usage is so ubiquitous that even professors in

² Connecticut Bar Association, Jame W. Cooper Fellows, and Johnstone, "2023-2024 Statewide," [Page 3].

higher education are in favor of Chatbot applications: “Dan Baker, teaching professor of civil and environmental engineering at Colorado State University... is not averse to students using them[chatbots]for outlining or brainstorming”⁴. This further demonstrates that not only did Zeke use AI appropriately, but that his usage of it is precedented, even endorsed by faculty of higher education. Thus, regarding his usage of generative AI, Zeke should be acquitted of all accusations of plagiarism.

Regarding his use of Grammarly, Zeke is well founded in his usage of the device; according to Grammarly’s own help service, rather than replacing any text whatsoever, “Grammarly’s algorithms flag potential issues in the text and make context-specific suggestions to help with grammar”³. Grammarly, according to its own support team, is an algorithm designed to make *suggestions* in writing improvements, a traditional form of AI, that runs on patterns of grammatically correct English to make suggestions. The use of Grammarly cannot be counted as plagiarism, for it does not constitute the use of another’s or the internet’s ideas in any way; since Zeke wrote the ideas on paper before hand, it does not count as pre written work; Zeke created the work, Grammarly edited it for grammar, but it did not in any way change the content²; finally, the use of Grammarly cannot count as counterfeiting a source, itself providing no information at all. For these listed reasons, the Board of Education should acquit Zeke on suspicion of plagiarism, and be reinstated full points for his work.

Olivia, unlike Zeke, utilized “AI to write her essay... she went to ChatGPT to help her come up with some ideas on how to phrase things ... Although she incorporated the AI generated

³ Grammarly Support, "How does Grammarly work? – Grammarly Support," Grammarly Support, accessed January 31, 2024,

⁴ Thomas K. Grose, "Disruptive Influence," *ASEE Prism* 32, no. 3 (2023): [Page 17], JSTOR.

² Connecticut Bar Association, Jame W. Cooper Fellows, and Quintin Johnstone, "2023-2024 Statewide High School Essay Contest Topic," *Battle of the Bytes: AI Vs. Academic Integrity*, [Page 2].

phrases in several instances, she insisted the substantive work and ideas were hers”⁴. Olivia, by taking ChatGPT’s work and copying it verbatim, is plagiarizing by presenting another entity’s work as her own, being supplied work, obtaining and submitting work from the internet as her own, and is copying a prewritten paper⁵. Meeting five criteria for plagiarism, it is undeniable by any neutral observer that Olivia is clearly guilty of plagiarism, and should be punished accordingly, losing full credit for her assignment.

The disparate treatment between the students must also be resolved; Ms Grady should undergo bias awareness training to prevent any potential repeat of such an egregious lack of objectivity in the grading process, in order to preserve the integrity of the school system.

Most importantly, for the purposes of future precedent and protocol, the Board of Education should update the Student Handbook to account for what constitutes acceptable usage of AI tools among students, to prevent future incidents regarding plagiarism. The best decision, even at the college level, appears to be constrained application; according to the American Society For Engineering Education, “Between barring the use of chatbots and accepting them as a default student accessory...most professors interviewed favor letting students use the technology within specific guardrails”⁵. This approach promotes responsible usage, deters plagiarism, and helps students maintain integrity.

⁴ Connecticut Bar Association, Jame W. Cooper Fellows, and Johnstone, "2023-2024 Statewide," [Page 3].

⁴ Connecticut Bar Association, Jame W. Cooper Fellows, and Johnstone, "2023-2024 Statewide," [Page 3].

⁵ Ryan Browne, "New York Times sues Microsoft, ChatGPT maker OpenAI over copyright infringement," CNBC, last modified December 27, 2023, accessed January 10, 2023, <https://www.cnbc.com/2023/12/27/new-york-times-sues-microsoft-chatgpt-maker-openai-over-copyright-infringement.html>.

⁵ Thomas K. Grose, "Disruptive Influence," *ASEE Prism* 32, no. 3 (2023): [Page 3], JSTOR.

Bibliography

- Browne, Ryan. "New York Times sues Microsoft, ChatGPT maker OpenAI over copyright infringement." CNBC. Last modified December 27, 2023. Accessed January 10, 2023. <https://www.cnbc.com/2023/12/27/new-york-times-sues-microsoft-chatgpt-maker-openai-over-copyright-infringement.html>.
- Connecticut Bar Association, Jame W. Cooper Fellows, and Quintin Johnstone. "2023-2024 Statewide High School Essay Contest Topic." *Battle of the Bytes: AI Vs. Academic Integrity*, 1-3.
- Elkhatat, Ahmed M. "Evaluating the Authenticity of ChatGPT Responses: A Study on Text-matching Capabilities." *International Journal for Educational Integrity* 19, no. 1 (2023): NA. Gale Academic OneFile.
- Grammarly Support. "How does Grammarly work? – Grammarly Support." Grammarly Support. Accessed January 31, 2024. <https://support.grammarly.com/hc/en-us/articles/115000090871-How-does-Grammarly-work>.
- Grose, Thomas K. "Disruptive Influence." *ASEE Prism* 32, no. 3 (2023): 14-17. JSTOR.
- Hwang, Gwo-Jen, and Nian-Shing Chen. "Editorial Position Paper." *Educational Technology and Society* 26, no. 2 (2023). JSTOR.
- . "Editorial Position Paper." *Educational Technology and Society* 26, no. 2 (2023). JSTOR.
- Kaur, Gagandeep. "Your Employees Are Likely Passing off AI-generated Work as Their Own: Report." *ComputerWorld.com*, November 16, 2023, NA. Gale General OneFile.